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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/684,580	FITZMAURICE, GEORGE WILLIAM	
	<b>Examiner</b>	<b>Art Unit</b>	
	TUYETLIEN T. TRAN	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 September 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 31 is/are allowed.
- 6) Claim(s) 1-30 and 32-56 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

### **DETAILED ACTION**

1. This action is responsive to the following communication: Amendment filed 09/15/08.

**This action is made final.**

2. Claims 1-56 are pending in the case. Claims 53-56 are newly added. Claims 1, 25, 28, 31, 32, 44-54 are independent claims.

#### **Claim Objections**

3. Claims 2-24, 26-27, 55-56 are objected to because they are not referring to claims on which each claim depends. It is suggested that the term "An interface" should be changed to "An interface display". Appropriate correction is required.

4. Claims 50-52 are objected to because the term "A graphical user interface of a computer display" raises a question of whether the claims include a statutory subject matter. The claims appear to be directed towards software components because it is this graphical user interface being claimed not the computer display. It is suggested that the term "A graphical user interface of a computer display" should be changed to "A graphical user interface display". Appropriate correction is required.

#### **Claim Rejections - 35 USC § 101**

5. Applicant's amendment corrects the previous rejections; therefore, the previous rejections are withdrawn.

#### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 1-4, 6-11, 13-15, 20-28, 32-34, 37-38, 44-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwema et al (Patent No US 7,058,902 B2; hereinafter Iwema) in view of Strauss (Patent No. US 6,246,411 B1, hereinafter Strauss).**

**As to claims 1, 53, 54,** Iwema teaches:

A graphical user interface display (e.g., see Fig. 2 and col. 6 lines 60-67), comprising:  
a tracking symbol positioned corresponding to an input transducer movable by a user  
(e.g., see items 205, 204 shown in Fig. 2); and  
a menu, on the display (e.g., Fig. 2 and col. 6 lines 60-67), having a menu boundary; the menu having controls with boundaries and activatable when the tracking symbol corresponds to the controls (e.g., see Fig. 3). Iwema teaches the menu is always visible when one of the controls is not activated (e.g., Figs. 3, 9 and col. 8 lines 11-35; wherein the context menu can be initiated using a stylus device; note that when the context menu is activated, when one of the controls is not activated) and always not visible when one of the controls is activated (e.g., col. 11 lines 5-12; whenever a user makes a menu choice that does not have an associated lower menu level, the menu having that choice disappear).

While Iwema teaches that the stylus can be dynamic such that a cursor is located on the screen by holding the stylus over a location without actually touching the screen and that the context menu can be "dragged" over ink associated with the object to be acted upon (e.g., see col. 7 lines 11-36 and col. 8 lines 30-35), Iwema does not teach the menu comprising a mobile tracking region having a region boundary coincident with the menu boundary and enclosing the tracking symbol with the tracking symbol being movable within the boundary, the region moving

in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving.

In the same field of endeavor of menu enhancement, Strauss teaches a menu controller similar to that of Iwema wherein Strauss teaches a graphical user interface comprising a tracking symbol positioned corresponding to an input transducer movable by a user (e.g., see Fig. 1B). Strauss teaches a menu having a menu boundary (e.g., the drag toolbar 40) and comprising a mobile tracking region (“follow me” zone 42 as shown in Fig. 7) having a region boundary (i.e., the bounds of a region around the drag toolbar 40) enclosing the tracking symbol (the cursor 4) with the tracking symbol being movable within the boundary (i.e., when the cursor 4 is within the bounds of the “follow me” zone 42, the drag toolbar 40 does not move, see col. 6, lines 59-67), the region moving in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display), the region having controls with boundaries and activatable when the tracking symbol corresponds to the controls (e.g., control buttons 8, 9 as shown in Fig. 1B; note the cursor is over the control, the control is activated, see col. 2, lines 27-30).

Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation because Strauss suggests to the skilled artisan that different designs can be applied for the drag toolbar such as the drag toolbar can be in different shapes with different controls (e.g., see Figs. 2A-4B; col. 4 lines 24-54). One would be motivated to implement this feature is to provide a user with a visual cue or feature as to what the tracking boundary is so that the user may use the tracking menu more efficiently.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Strauss and Iwema in front of them, to modify the menu in the system of Iwema to include the feature of floating menu as taught by Strauss to achieve the claimed invention. As suggested by Strauss, the motivation for the combination is to put the menu in close proximity to the cursor if the user wants to activate any functional controls (e.g., see Strauss col. 6 lines 55-58).

**As to claims 25, 46 and 48,** claims 25, 46 and 48 are rejected along similar rationale as applied to claim 1 including the following:

Iwema teaches an apparatus comprising a position transducer, a display, an interface, a computer readable storage controlling a computer coupled to the display and the transducer (e.g., see Fig. 1 and col. 5 lines 43-61), and producing for display a first tracking symbol (the cursor shown in Fig. 2), having a first tracking symbol position controllable by the user (e.g., the user can control the cursor to activate a menu as shown in Fig. 3 and col. 7 lines 11-36).

Strauss teaches:

a second tracking symbol (“follow me” zone 42 as shown in Fig. 7) containing the first tracking symbol (i.e., the drag toolbar is displayed in reasonably close proximity to the cursor 4), having a second tracking symbol position controlled by the first tracking symbol (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display, see col. 6, lines 59-67) and having objects selectable by the first tracking symbol (control buttons 8, 9 are selectable by the cursor 4 as shown in Fig. 1B) the second tracking symbol having a menu containing the selectable objects with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claims 25, 46 and 48 for the same reasons as set forth in claim 1 above.

**As to claim 28,** claim 28 is rejected along similar rationale as applied to claim 1 including the following:

Iwema teaches an interface comprising a display, a tracking menu positioned above the display and having controls positioned in the menu with the menu having a menu boundary (e.g., see Fig. 1, 2, 3).

Strauss teaches a tracking menu (i.e., a drag toolbar 40 as shown in Fig. 7) positioned above the display (i.e., the drag toolbar 40 is displayed across the user's display, see col. 6, lines 59-67), having an edge (e.g., "follow me" zone 42) and having controls positioned in the menu (e.g., control 8, 9 are positioned in the drag toolbar 7, see Fig. 1B) with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7);

a tracking symbol (e.g., the cursor 4) positioned above the menu (e.g., see the position of the cursor 4 in Fig. 7), encountering the edge when moved and moving the menu when the edge of the boundary is encountered (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 28 for the same rationale as set forth in claim 1 above.

**As to claim 47,** claim 47 is rejected along similar rationale as applied to claim 1 including the following:

Iwema teaches a computer readable storage controlling a computer (e.g., see Fig. 1 and col. 5 lines 43-61) by executing a method, comprising: allowing a user to move a tracking symbol on a display (e.g., the user can control the cursor to activate a menu as shown in Fig. 3 and col. 7 lines 11-36); and

Strauss teaches:

allowing a user to move a tracking symbol (e.g., the cursor 4) on a display (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B); and

moving a tracking menu in correspondence to the symbol when the symbol encounters an edge of the menu (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display, see col. 6, lines 59-67; note that the zone boundary 42 is interpreted as the edge of the menu as shown in Fig. 7) the menu containing selectable objects (e.g., menu item 40 in Fig. 7) with the menu having a menu boundary (e.g., the visual boundary around the item 40; note that menu boundary and menu edge are interpreted as two different items) and comprising a mobile tracking region (e.g., note that the mobile tracking region is interpreted as the edge of the tracking menu, see Fig. 7).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 47 for the same rationale as set forth in claim 1 above.

**As to claim 44,** claim 44 is rejected along similar rationale as applied to claim 1 including the following:

Strauss teaches: a method (i.e., a method for refining the function performed by a drag operation, see col. 2, lines 18-20), comprising moving a first tracking symbol (e.g., “follow me” zone 42 as shown in Fig. 7) responsive to movement of a second tracking symbol (e.g., the cursor 4; note that when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display, see col. 6, lines 59-67), the first tracking symbol having a menu containing selectable objects with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7) and moving the second tracking symbol (cursor 4) responsive to an input transducer (i.e., the user use a pointing device such as a mouse or stylus to select an object under a cursor, see col. 1, lines 18-25).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 44 for the same rationale as set forth in claim 1 above.

**As to claim 45**, claim 45 is rejected along similar rationale as applied to claim 1 including the following:

Strauss teaches: a method (i.e., a method for refining the function performed by a drag operation, see col. 2, lines 18-20), comprising using a single cursor movement to both move (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display, see col. 6, lines 59-67) and activate a mobile control (i.e., when the cursor 4 is within the bounds of the “follow me” zone 42, the drag toolbar 40 does not move, the user can activate a control buttons using cursor 4), the mobile control having a menu containing the selectable objects with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 45 for the same rationale as set forth in claim 1 above.

**As to claim 49**, claim 49 is rejected along similar rationale as applied to claim 1 including the following:

Strauss teaches a graphical user interface (e.g., drag toolbar enable application, see Fig. 1A), comprising: a display area (e.g., “follow me” zone 42 as shown in Fig. 7) that tracks a cursor tool when the cursor tool reaches a boundary of the area and that has a display function (e.g., zone 42 defines the bounds of a region around the drag toolbar 40 to determine whether the cursor is within the zone or not, see col. 6, lines 59-67); and

the cursor tool movable within the area (i.e., when the cursor 4 is within the bounds of the “follow me” zone 42, the drag toolbar 40 does not move) and that drags the area around

when the boundary is reached (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display) and being activated by an input event (i.e., moving the cursor) the area having a menu containing selectable objects with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 49 for the same rationale as set forth in claim 1 above.

**As to claim 32,** claim 32 is rejected along similar rationale as applied to claim 1 including the following:

Strauss teaches: a method (i.e., a method for refining the function performed by a drag operation, see col. 2, lines 18-20), comprising:

allowing a user to move a tracking symbol (e.g., the cursor 4) on a display (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B); and

moving a tracking menu having controls (i.e., see Fig. 7) in correspondence to the symbol (e.g., the cursor 4) when the symbol encounters an edge of the menu (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display, see col. 6, lines 59-67; note that the “follow me” zone boundary 42 is interpreted as the edge of the menu).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 32 for the same rationale as set forth in claim 1 above.

**As to claim 50,** claim 50 is rejected along similar rationale as applied to claim 1 including the following:

Iwema teaches a graphical user interface (e.g., see Fig. 2), comprising: a tracking symbol positioned corresponding to an input transducer movable by a user (e.g., see items 205, 204 shown in Fig. 2)

Strauss teaches: a mobile tracking region having a region boundary enclosing the tracking symbol (e.g., “follow me” zone 42 as shown in Fig. 7) with the tracking symbol being movable within the boundary when not dragging, the region (i.e., when the cursor 4 is within the bounds of the “follow me” zone 42, the drag toolbar 40 does not move, see col. 6, lines 59-67; note that the limitation when not dragging\_with the region is interpreted as when the region is not moving with the cursor) moving in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display), the region having controls activatable when the tracking symbol corresponds to the controls (e.g., note that a user can change the functionality of the cursor when select a menu button on a floating palette, see col. 6 lines 50-58).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 50 for the same rationale as set forth in claim 1 above.

**As to claim 51,** claim 51 is rejected along similar rationale as applied to claim 1 including the following:

Iwema teaches a graphical user interface (e.g., see Fig. 2), comprising: a tracking symbol positioned corresponding to an input transducer movable by a user (e.g., see items 205, 204 shown in Fig. 2)

Strauss teaches: a mobile tracking region having a region boundary enclosing the tracking symbol (e.g., “follow me” zone 42 as shown in Fig. 7) with the tracking symbol being movable within the boundary (i.e., when the cursor 4 is within the bounds of the “follow me”

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zone 42, the drag toolbar 40 does not move, see col. 6, lines 59-67), the region moving in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display), the region having controls activatable when the tracking symbol corresponds to the controls, the controls for selecting commands (e.g., note that a user can change the functionality of the cursor when select a menu button on a floating palette, see col. 6 lines 50-58).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 51 for the same rationale as set forth in claim 1 above.

**As to claim 52,** claim 52 is rejected along similar rationale as applied to claim 1 including the following:

Iwema teaches a graphical user interface (e.g., see Fig. 2), comprising: a tracking symbol positioned corresponding to an input transducer movable by a user (e.g., see items 205, 204 shown in Fig. 2)

Strauss teaches: a menu having an edge (i.e., see Fig. 7) enclosing the tracking symbol with the tracking symbol being movable within the edge, the menu moving in correspondence to the tracking symbol when the tracking symbol encounters the edge while moving (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display, see col. 6, lines 59-67; note that the “follow me” zone boundary 42 is interpreted as the edge of the menu), and the region having controls activatable when the tracking symbol corresponds to the controls (e.g., note that a user can change the functionality of the cursor when select a menu button on a floating palette, see col. 6 lines 50-58).

Therefore, combining Iwema and Strauss would meet the claimed limitations of claim 52 for the same rationale as set forth in claim 1 above.

**As to claim 2,** Strauss teaches wherein the region (e.g., “follow me” zone 42 as shown in Fig. 7) comprises a menu having visible menu edge (i.e., see Fig. 7). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 3,** Strauss teaches wherein the region comprises one of a linear menu, a menu with an embedded marking menu, a tool palette, a color palette, a pan-zoom tool, a pen-mouse, a keyboard, a numeric pad, one or more buttons, sliders, checkboxes, pull-down menu, a dialog box, and an alternative view (e.g., it is noted that Fig. 1B shows a drag toolbar in a linear menu format or tool palette that has one or more buttons, Fig. 3A displayed an embedded marking menu, Fig. 3B shows a checkboxes). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 4,** Strauss teaches wherein the controls of the interface (e.g., control buttons 8, 9 as shown in Fig. 1B) further comprise a control changed in appearance when the tracking symbol is over the control and is active (i.e., the MOVE control button 9 is drawn so as to appear that it has been pressed, similar to known radio button depiction, see col. 3, lines 62-65 or Fig. 1B). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 6,** Iwema teaches wherein the tracking symbol can be activated by the user and performs a selected function when active (e.g., see Fig. 2 and col. 7 lines 11-36).

**As to claim 7,** Iwema teaches wherein a selected function is performed when the tracking symbol is active (i.e., see Fig. 5).

**As to claim 10,** Iwema further teaches wherein the transducer corresponds to a mouse (i.e., see Figs. 1, 2) having a mouse button (e.g., see col. 6 lines 60-67 through col. 7 lines 1-10), the tracking symbol (the cursor as shown in Fig. 2) and the menu are displayed on a tablet display (e.g., see Fig. 1 and col. 7 lines 1-10) and the tracking symbol is activated when the mouse is one of moved and activated (e.g., see Fig. 3).

**As to claim 11,** Iwema teaches that the stylus can be dynamic such that a cursor is located on the screen by holding the stylus over a location without actually touching the screen and that the context menu can be "dragged" over ink associated with the object to be acted upon (e.g., see col. 7 lines 11-36 and col. 8 lines 30-35). Strauss further teaches wherein the positioning corresponding to the motion of the input transducer (i.e., the drag toolbar 40 follows the cursor 4 across the user's display, see col. 6, lines 59-67) stops under a predetermined condition (i.e., the cursor 4 is moving inside or within the bounds of the "follow me" zone 42) and the region is repositioned corresponding to the tracking symbol when the condition no longer exists (e.g., if the cursor 4 attempts to move past the zone 42). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 14,** Strauss further teaches wherein the boundary is maintained around the symbol (e.g., when the cursor is within the bounds of the "follow me" zone 42, see col. 6, lines 59-67). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 15,** Strauss further teaches wherein the symbol is allowed to cross the boundary while moving (i.e., when the cursor 4 attempts to move past the zone boundary 42, see col. 6, lines 59-67) and the boundary surrounds the symbol when the symbol is not moving (e.g., when the cursor is within the bounds of the “follow me” zone 42). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 20,** Strauss further teaches comprising an interior tracking boundary (i.e., a “follow me” zone 42, see col. 6, lines 59-67) interior to the region boundary (e.g., note that zone 42 is defined as the bounds of a region around the drag toolbar 40) and the region moving in correspondence to the tracking symbol when the tracking symbol encounters the interior tracking boundary (i.e., when the cursor 4 moves past the “follow me” zone boundary 42, the drag toolbar 40 follows the cursor across the user’s display). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 21,** Strauss further teaches wherein the interior tracking boundary comprises a jutting wall (i.e., zone boundary 42 as seen in Fig. 7). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 22,** Strauss further teaches wherein the interface has a visible edge (i.e., a frame surrounding control button 8, 9 as shown in Fig. 1B) and the boundary corresponds (e.g., zone boundary 42 as shown in Fig. 7) to one of the visible edge, outside the visible edge, inside the visible edge and overlaps the visible edge (e.g., note that the zone boundary 42 is surrounding the drag toolbar 40 which has a visible edge). Thus combining Iwema and Strauss

would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 23,** Strauss further teaches wherein control activation requires a dwell (e.g., selected and hold, see col. 3, lines 40-45) by the tracking symbol (i.e., placing the cursor 4 over an object and depressing a mouse button). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 24,** Iwema further teaches control functionality is context sensitive (e.g., see Fig. 3).

**As to claim 26,** Strauss further teaches wherein the first and second tracking symbol positions correspond (e.g., a drag toolbar 40 is displayed in reasonably close proximity to the cursor 4, see col. 6, lines 59-63). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 27,** Strauss further teaches wherein the objects (i.e., drag toolbar 40 as shown in Fig. 7) comprise controls (i.e., control buttons 8, 9 as seen in Fig. 1B). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 33,** Strauss further teaches comprising allowing a user to select an item in the tracking menu without moving the tracking menu (e.g., the user can select control button in the drag toolbar 40 without moving the toolbar 40 if the cursor 4 is within the bounds of the “follow me” zone 42, see col. 6, lines 59-67). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 1 above.

**As to claim 8,** Iwema teaches the tracking symbol is activated when the stylus touches the tablet (i.e., the stylus 204 is pressured upon the display screen to effect input, see col. 7, lines 11-15).

Strauss further teaches wherein the transducer (i.e., the pointing device, see col. 1, lines 18-20) corresponds to a stylus (e.g., note that stylus is defined as part of the transducer), the tracking symbol (e.g., the cursor 40 as shown in Fig. 7) and region (e.g., “follow me” zone 42 as shown in Fig. 7) are displayed on a tablet display (i.e., touch-sensitive display screen, see col. 1, lines 19-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used to combine the teaching of Iwema and Strauss to manipulate data, enter text, create drawings, enter system commands and/or execute conventional computer application tasks (see Iwema col. 7, lines 5-10).

**As to claim 9,** Iwema further teaches wherein the tracking symbol is inactive when the stylus is not touching the tablet (i.e., the stylus 204 is pressured upon the display screen to effect input, see col. 7, lines 11-15; this statement can be understood by one of ordinary skill in the art as the tracking symbol is inactive when the stylus is not pressured upon the display screen).

**As to claim 13,** Iwema teaches wherein the predetermined condition is a stylus out-of-range condition (i.e., stylus 204 can cause the menu to reposition or display by hovering over on the tablet display without touching the screen, see col. 7, lines 11-15).

**As to claim 34,** Strauss further discloses that the moving of the tracking menu (i.e., floating palette, see col. 2, lines 45-49) occurs when the stylus is in tracking range of the tablet

(e.g., see col. 1, lines 18-25). Iwema further teaches movement of the tracking symbol is responsive to movement by the user of a stylus over a stylus sensing tablet (e.g., see col. 7, lines 13-20). Thus combining Iwema and Strauss would meet the claimed limitation for the same reasons as discussed with respect to claim 8 above.

**As to claim 37,** Iwema further teaches wherein the function makes a mark on the display (e.g., see Fig. 3).

**As to claim 38,** Iwema further teaches movement of the tracking is responsive to movement by the user of a stylus over a stylus sensing tablet (e.g., see Fig. 1 and col. 5 lines 43-61). Iwema teaches further comprising positioning the tracking menu in correspondence when the stylus comes into tracking range (e.g., see Fig. 7A-7B).

**8. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwema in view of Strauss further in view of Beaton et al. (Patent No. 6037937; hereinafter Beaton).**

**As to claim 35,** Strauss and Iwema teach the limitations of claim 34 for the same reasons as discussed above. Iwema teaches a tracking symbol wherein the tracking symbol is activated when the stylus touches the tablet or hover over the tablet without actually touching the tablet (i.e., see col. 7, lines 11-36). However, Strauss and Iwema do not explicitly teach that making the tracking menu transparent when the stylus touches the tablet.

Beaton, though, teaches a graphical navigation menu for electronic devices; wherein the electronic devices comprise electronic organizers, PDA, graphical display-based phones or any other computer devices (e.g., see col. 3 lines 22-32 and Abstract). Beaton teaches the

graphical navigation menu can be activate by touching the display at the center of the navigation tool for a predetermined time period (e.g., see col. 5 lines 14-27). Beaton teaches the activated navigation tool is preferably transparent (e.g., see col. 5 lines 14-27). Beaton discloses stylus device can be used to activate the navigation menu (e.g., see col. 5 lines 28-40 and col. 6 lines 36-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of making the menu transparent as taught by Beaton to the tracking menu as taught by Strauss and Iwema to avoid hindering the display of content information in the viewing area (e.g., see col. 5 lines 14-27).

**As to claim 36,** Beaton discloses performing a selected function when the menu is transparent (e.g., see col. 5 lines 27-40). Strauss further discloses performing a graphic function corresponding to motion of the stylus (e.g., performing a copying function when the drag toolbar is transparent, see Fig. 1D). Thus, combining Strauss, Iwema, and Beaton would meet the claimed limitations for the same reasons set forth in claim 35 above.

**9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwema in view of Strauss further in view of Schirmer (Patent No. US 6369837; hereinafter Schirmer) and further in view of Beaton.**

**As to claim 5,** Strauss and Iwema teach the limitations of claim 1 for the same reasons as discussed above. Strauss further teaches that the region can be transparent when the tracking symbol is active (e.g., see Fig. 4 and col. 6 lines 5-17; note the user can hide/unhide the drag toolbar so that the selected control can be performed). Strauss also discloses that the drag toolbar can be grayed out due to certain condition (e.g., see col. 8, lines 1-10). Iwema

teaches the context menu (e.g., Fig. 3) is always visible when one of the controls (e.g., icons 308-322) is not activated (e.g., selected) and always not visible when one of the controls is activated (e.g., the menu is removed in response to the user selection of one of the controls).

However, Strauss and Iwema do not explicitly teach that the region is semi-transparent when the tracking symbol is inactive and transparent when the tracking symbol is active.

Schirmer teaches a method and apparatus for an improved graphical user interface having a menu with selectable controls (e.g., see col. 4 lines 31-46 and Fig. 5). Schirmer teaches the menu is semi-transparent or low opacity when not being used (e.g., see col. 4 lines 47-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the feature of rendering the menu in semi-transparent state as taught by Schirmer to the tracking menu as taught by Iwema and Strauss to provide a semi-transparent state to the tracking menu when not being used. As suggested by Schirmer, the motivation for the combination is to minimize the obstruction to the underlying window (e.g., see Schirmer col. 4 lines 51-54).

Strauss, Iwema and Schirmer do not teach that the menu region is transparent when the tracking symbol is active. However, Beaton teaches the navigation menu can be made transparent when activated by touching the stylus on the display (e.g., see col. 5 lines 14-27, col. 5 lines 28-40 and col. 6 lines 36-43). Thus, combining Strauss, Iwema, Schirmer and Beaton would meet the claimed limitations for the same reasons set forth in claim 35 above

**10. Claims 16 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwema in view of Strauss further in view of Hoeber et al (Patent No 5,276,795; hereinafter simply referred to as Hoeber).**

**As to claims 16 and 40,** Strauss and Iwema teach the limitations of claims 1 and 32 for the same reasons as discussed above. However, Strauss and Iwema do not explicitly teach that the user designates that the region or menu be held in place when the symbol crosses the boundary.

Hoeber, though, discloses wherein the user designates that the region or menu be held in place when the symbol crosses the boundary (e.g., the user using the pushpin button 150 to keep the region or menu on the display, see Fig. 4a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of pushpin button as taught by Hoeber to the tracking menu as taught by Strauss and Iwema to avoid the inefficient and time consuming requirement of reselecting a particular menu button within a menu while allowing the users to execute other operations (e.g., see Hoeber col. 7, lines 39-45).

**11. Claims 12, 19, 29-30, 39, 43, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwema in view of Strauss further in view of Nicholas, III (Patent No US 6,865,719 B1; hereinafter simply referred to as Nicholas).**

**As to claim 12,** Strauss and Iwema teach the limitations of claim 11 for the same reasons as discussed above. Strauss and Iwema do not expressly teach repositioning positions the menu a least Euclidean distance from the prior position.

Nicholas, though, teaches that repositioning positions the menu a least Euclidean distance from the prior position (as shown in Fig. 4A, the movement distance of the trailing messages from right to left as applied to 408a and 408b is minimized so that the cursors 402a, 402b are still within the boundaries of the trailing messages 408a and 408b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of trailing message as taught by Nicholas to the tracking menu as taught by Strauss and Iwema to improve the message display and thus enable a user to conveniently receive and access data and related applications, and collaborate with other users, without interfering with the operation of running applications or services (e.g., see Nicholas col. 2, lines 25-35).

**As to claims 19, 43, 56,** Nicholas further teaches wherein the mobile tracking region deforms corresponding to a shape of a persistent object when the symbol comes in a vicinity of a persistent object or display edge (e.g., see col. 8, lines 30-36 or Fig. 4A items 408d and 408e). Thus combining Strauss, Iwema and Nicholas would meet the claimed limitation for the same reasons as discussed with respect to claim 12 above.

**As to claim 29,** Nicholas further teaches a graphic object positioned between the menu and the display (i.e., the task bar is positioned between the trailing message 408e and the browser display screen, see Fig. 4A). Thus combining Strauss, Iwema and Nicholas would meet the claimed limitation for the same reasons as discussed with respect to claim 12 above.

**As to claim 30,** Nicholas further teaches a persistent graphic object positioned between tracking symbol and the menu (i.e., the hyperlink “click here for info” is positioned between the cursor 202i and the item 234, see Fig. 2C). Thus combining Strauss, Iwema and Nicholas

would meet the claimed limitation for the same reasons as discussed with respect to claim 12 above.

**As to claim 39,** Strauss further teaches a stylus and touch-sensitive display can be used as input device for the drag toolbar (e.g., see col. 1 lines 18-25).

Iwema teaches hovering the stylus over on the tablet display without touching the screen can cause the menu to be repositioned or redisplayed (e.g., see col. 7, lines 11-15). Therefore, combining Strauss and Iwema would achieve the claimed invention of movement of the tracking symbol is responsive to movement by the user of a stylus over a stylus sensing tablet for the same reasons as set forth in the rejection of claim 8 above.

Nicholas teaches positioning the tracking menu in correspondence when the cursor goes beyond the confines of the interface display (e.g., see col. 8 lines 31-35). Accordingly, it would have been obvious to one of ordinary skill in the art to have modified the tracking menu as taught by Strauss and Iwema to achieve the claimed invention for the same reasons as set forth above in the rejections of claim 12.

**As to claim 55,** Strauss further teaches a menu region moves in correspondence to the tracking symbol without activating a selection button on the input transducer (e.g., Fig. 4A). Thus combining Strauss, Iwema and Nicholas would meet the claimed limitation for the same reasons as discussed with respect to claim 12 above

**12. Claims 17-18 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwema in view of Strauss further in view of Hoeber and further in view of Nicholas.**

**As to claims 17 and 41,** Strauss, Iwema and Hoeber teach the limitations of claims 16 and 32 for the same reasons as discussed above. However, Strauss, Iwema and Hoeber do

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not explicitly teach that the interface or menu comprises an outline of the mobile tracking region when the tracking symbol is over a persistent object. Nicholas, though, teaches wherein the interface or menu comprises an outline of the mobile tracking region when the tracking symbol is over a persistent object (see Fig. 2A item 208c). Thus combining Strauss, Iwema, Hoeber, and Nicholas would meet the claimed limitations for the same reasons as discussed with respect to claim 12 above.

**As to claim 18,** Nicholas further discloses wherein the interface is clipped when the tracking symbol exits the persistent object (see item 234 in Fig. 2C). Thus combining Strauss, Iwema, Hoeber, and Nicholas would meet the claimed limitations for the same reasons as discussed with respect to claim 12 above.

**As to claim 42,** Nicholas further discloses converting the menu to a complete graphical menu when the symbol exist the persistent object (see item 208g in Fig. 2C); and clipping a portion of the complete graphical menu overlapping the persistent object (see item 234). Thus combining Strauss, Iwema, Hoeber, and Nicholas would meet the claimed limitations for the same reasons as discussed with respect to claim 12 above.

#### **Allowable Subject Matter**

13. Claim 31 is allowed.

#### **Response to Arguments**

14. Applicant's arguments filed 09/15/08 have been fully considered but are not persuasive.

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- a) In response to Applicant's remark on the 101 rejection of claims 1-27, 31, and 49-52, the examiner notes the 101 rejection on claims 1-27, 31, and 49 is withdrawn in view of Applicant's amendment. However, the 101 rejection on claims 50-52 is maintained as rejected supra.
- b) Applicant argues that the examiner does not provide a rationale to support the reason why it would have been obvious to implement the limitation "the region boundary is coincident with the menu boundary" (e.g., see Applicant's remark page 13, first paragraph).

In response, the examiner respectfully disagrees. As can be seen in the foregoing rejection of claim 1, the examiner admits that the prior art of Strauss does not expressly teach the limitation "the region boundary is coincident with the menu boundary". The examiner then goes on and provides rationales as to why it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement this feature. In this case, the prior art of Strauss suggests that different designs can be applied for the drag toolbar such as the drag toolbar can be in different shapes with different controls (e.g., see Figs. 2A-4B; col. 4 lines 24-54). The prior art of Strauss teaches the menu can be in circular shape (e.g., Fig. 3A). Strauss teaches the menu region is also in circular shape (e.g., Fig. 7). Therefore, it would have been obvious to a person of ordinary skill in the art to try match the region boundary with the menu boundary in an attempt to provide an end user with a visual cue as to what the tracking boundary is set so that the end user can use the menu more efficiently.

- c) Applicant argues that no evidence is provided to support the Office Action's assertion, and thus, the rejection is based on personal knowledge (e.g., see Applicant's remark page 13, paragraphs 2, 3).

In response, the examiner respectfully disagrees and directs the applicant to the fact that it must be recognized that any judgment on obviousness is in a sense necessarily a

reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

- d) In response to Applicant's argument with respect to claims 55 that the cited prior art does not teach the limitation of claim 55 (e.g., see Applicant's remark page 15), the examiner notes this limitation is well-addressed as rejected *supra*.

### Conclusion

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. *In re Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/  
Examiner, Art Unit 2179

/Weilun Lo/  
Supervisory Patent Examiner, Art Unit 2179